

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EARL C. GRAY,

Plaintiff,

v.

CORRECTIONS OFFICER KING,

Defendant.

Case No. 16-13639

Honorable Nancy G. Edmunds

**OPINION AND ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [19]**

In a report and recommendation ("R&R") issued on July 14, 2017 (Dkt. 19), Magistrate Judge Mona K. Majzoub recommends that this Court deny Defendant's motion to dismiss. (Dkt. 8.) Neither party has filed objections to the R&R, and the deadline for doing so has passed. The parties' failure to file objections to the R&R waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Furthermore, the failure to object to the R&R releases this Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). Nonetheless, having reviewed the R&R, the underlying motion, and the record, this Court concurs with the Magistrate Judge's analysis, and therefore ACCEPTS and ADOPTS the Magistrate Judge's R&R.

Therefore, it is hereby ordered that Defendant's motion to dismiss is DENIED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: August 2, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 2, 2017, by electronic and/or ordinary mail.

s/Carol J. Bethel
Case Manager